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SUBJECT: Chile Working Avidly to Comply with TSA Security Directives

¶1. Summary: Since Saturday, December 26, Post has been in regular contact with the Ministry of Foreign Affairs (MFA), Chile's General Directorate of Civil Aviation (DGAC) and the three airlines (LAN Chile, Delta, and American) that operate non-stop flights to the United States. Although legal concerns regarding pat-downs have yet to be fully resolved and logistical challenges remain, both GOC authorities and the airlines are fully committed to meeting TSA security requirements. Post has been advised that DGAC and airlines representatives met December 30 to begin jointly developing an alternate screening proposal for TSA approval. Thus far, they have reached consensus on and have begun the use of explosives-sniffing dogs to screen passengers prior to boarding. At this point, there is excellent coordination among civil aviation authorities and the airlines. Post strongly supports the use of explosive-sniffing dogs as an interim security measure and encourages DHS/TSA to continue to work with DGAC and the airlines to ensure compliance with security requirements. End summary.

Ministry of Foreign Affairs Supports Compliance

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¶2. Post delivered TSA Aviation Security Directive (SD) 1544-09-06 and Aviation Emergency Amendment (EA) 1546-09-01 to the Ministry of Foreign Affairs (MFA) on Sunday, December 27. On December 28, DCM and EPOloff met with MFA officials to discuss the aviation security situation. The MFA's clear message was that it will advocate full compliance with TSA security directives. Ministry officials stressed that Foreign Minister Mariano Fernandez has asked to be kept fully updated on the issue. MFA Sub-director for International and Human Security, Eduardo Tapia, has the lead within the MFA on civil aviation and is the liaison with Chile's General Directorate of Civil Aviation (DGAC). He remains our key interlocutor at the MFA. Other meeting attendees were Isauro Torres, Director for North America, and three representatives from Consular Affairs.

Civil Aviation Authorities and Airlines Also Committed and Working on a Solution

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¶3. On December 28, Embassy representatives from State, FBI, and

DOD met with representatives from DGAC, MFA, Chile's national airline (LAN) and American Airlines to discuss the TSA DS and EA. Emboffs provided attendees with copies of the unclassified FBI Intelligence Bulletin regarding the case, as well as the Criminal Complaint filed against the alleged terrorist suspect. The DGAC, LAN and American Airlines expressed full commitment to implementing TSA security measures, but noted legal concerns regarding pat-downs, along with the logistical challenges that must be addressed.

14. Meeting participants included Hector Barrientos National Director for Airports and Aeronautical Services, DGAC; Juan Luis Rodriguez, Chief sub-department Airport Services, DGAC; Eduardo del Canto, Chief of Santiago Arturo Merino Benitez Airport, DGAC; Jos???? Ili, Chief of Security, Santiago Airport, DGAC; Eduardo Tapia, MFA; Francisco Sotomayor, Security Manager, LAN; Gabriela Peralta, Airport Manager, American Airlines; and, Jean Paul Riquelme, International Security Coordinator, American Airlines. Delta, the third carrier that operates direct, non-stop flights to the U.S., did not attend the meeting. Post has subsequently been in contact with Pablo Terciera, the Delta representative covering Chile operations from Argentina.

15. The three airlines operate a total of five daily, non-stop

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flights to four U.S. cities -- Atlanta, Dallas, Miami and New York -- transporting over 1,000 passengers per day. Currently, American and LAN each operate two flights per day and Delta operates has one flight per day. All flights depart Santiago in the evening, between 8:30 p.m. and 11:30 p.m. local time.

16. At the meeting, DGAC and airline reps advised that pat-downs/body searches are prohibited by Chile's constitution unless there is reasonable cause/suspicious behavior. Several alternatives were discussed to overcome this legal obstacle. LAN Chile also indicated that they have explosive-detecting wands that they could use, but the other airlines do not have this technology. This raised the further concern that uneven implementation of security measures among the airlines might result in public perception that U.S. airlines had received some sort of special dispensation from TSA. Emboffs acknowledged this concern and suggested the airlines develop a joint proposal for implementation of the security directives for TSA approval.

Communication and Cooperation Among Airlines - Current Status of Security Measures

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17. Airline representatives met again on December 30 to attempt to coordinate a proposal for TSA approval. All three airlines are currently coordinating with DGAC to use six PDI-trained/handled explosive-sniffing canines to screen all U.S.-bound passengers at boarding gates. All three airlines also report that, although there have been some delays, U.S.-bound travelers have been generally cooperative.

18. Regarding the TSA requirement for 100% pat-downs, Delta and American maintain that they cannot pat down passengers without legal authority. LAN security manager Sotomayor advises that many of their passengers non-stop flights to the U.S. are under-going pat-downs performed by LAN employees after providing oral,

voluntary authorization; for women the pat-down is more superficial; babies, young children, and teenagers under 16 who are traveling with their parents are excluded from pat-downs; and LAN's lawyers are in the process of developing a voluntary authorization form to be signed by consenting passengers. Furthermore, Sotomayor advises he has been in contact with TSA Miami (John Devine) to strategize on ways to establish common practices with Delta and American.

Comment

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19. Post is maintaining regular contact with the MFA, DGAC and the airlines, to pass information and keep up to date on implementation measures. To date, coordination among civil aviation authorities and the airlines has been excellent. Post strongly supports the use of explosive-sniffing dogs as an interim security measure and encourages DHS/TSA to continue to work with DGAC and the airlines to ensure compliance with security requirements.  
SIMONS